

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL PISANO,

Plaintiff,

-against-

**ANSWER
JURY TRIAL
DEMANDED**

08 Civ. 1045(SGR)

ALEX MANCONE, Individually and in his
capacity of Chief of Police of the Village of
Brewster, New York, JOHN DEGNAN, Individually,
WILLIAM BANKS, Individually, and THE VILLAGE
OF BREWSTER, NEW YORK,

Defendants.
-----X

Defendant Alex Mancone, individually and in his capacity as Chief of Police of the
Village of Brewster, New York, by his attorneys Oxman Tulis Kirkpatrick Whyatt & Geiger,
LLP., as and for his Answer to the plaintiff's complaint states as follows:

NATURE OF THE ACTION

1. Defendant denies the allegations contained in paragraph "1".

JURISDICTION

2. Defendant denies knowledge or information sufficient to form a belief as to the
allegations contained in paragraph "2" and respectfully refers all questions of law to
this Court for resolution.

PARTIES

3. Defendant denies knowledge or information sufficient to form a belief as to the
allegations contained in paragraph "3", except admits that plaintiff Michael Pisano

was hired by the Village of Brewster Police Department.

4. Defendant admits the allegations contained in paragraph "4".
5. Defendant denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph "5", except admits that defendant John Degnan is the Mayor of the Village of Brewster and that defendant William Banks is a Trustee of the Village of Brewster.

THE FACTS

6. Defendant denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph "6".
7. Defendant denies the allegations contained in paragraph "7".
8. Defendant denies the allegations contained in paragraph "8", except admits that on or about April 17, 2007, defendant issued a letter to the plaintiff terminating his employment with the Village of Brewster Police Department.
9. Defendant denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph "9".
10. Defendant denies the allegations contained in paragraph "10", except admits that the plaintiff was re-hired as a member of the Village of Brewster Police Department in or about June, 2007.
11. Defendant denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph "11".

12. Defendant denies the allegations contained in paragraph "12", except admits that the plaintiff was given the title of Detective.
13. Defendant denies the allegations contained in paragraph "13", except admits that the plaintiff's employment with the Village of Brewster Police Department was terminated.
14. Defendant denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph "14".
15. Defendant denies the allegations contained in paragraph "15".

AS AND FOR A CLAIM

16. Defendant repeats, reiterates and realleges each and every admission and/or denial as if more fully set forth herein in response to paragraph "16".
17. Defendant denies the allegations contained in paragraph "17".

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

18. Defendant's actions are protected by the doctrine of qualified immunity.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

19. The plaintiff's complaint fails to state a claim upon which relief may be granted.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

20. The complaint fails to set forth a basis upon which an award of punitive damages may be based.

WHEREFORE, it is respectfully requested that a judgment be entered dismissing plaintiff's complaint as against defendant Alex Mancone, individually and in his capacity as Chief of Police of the Village of Brewster, New York and for such other and further relief as this court may deem just and proper.

Dated: White Plains, New York
April 7, 2008



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*Attys. for defendant Alex Mancone,
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